

REMARKS

Status of claims

Applicants thank the Examiner for the consideration given to the present application. Claims 42, 50, 57, 60, and 69 have been amended. Support for these amendments are found in the specification and figures. No new matter has been added. Claims 42-60 and 62-73 are pending in the present application.

Claim Objection

Claim 69 has been objected to due to informalities pertaining to a spelling error. In accordance with the examiner's suggestion, applicants amend claim 69 to recite "...such that water is prevented from flowing into the gap", thus Applicants respectfully request the objection due to informalities be withdrawn.

Rejections Under 35 USC §102 and §103

Claims 42-43, 48, 50, 57, 60, 62-65, 69-70 and 73 have been rejected under 35 U.S.C. 102(b) as being anticipated by Guichaoua et al (US 6,308,836). Claims 44-45, 51, 67-68 and 71 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Guichaoua et al (US 6,308,836) in view of Gundrum et al (US 5,891,334). Claims 46, 49, 53, 55, 58 and 72 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Guichaoua et al (US 6,308,836) in view of Reid et al (US 5,591,332). Claims 47, 54, 59 and 66 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Guichaoua et al (US 6,308,836). Claims 52 and 56 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Guichaoua et al (US 6,308,836) in view of Reid et al (US 6,274,038). Applicants respectfully traverse these rejections.

To anticipate a claim under §102, each and every element of the claim must be found, either expressly or inherently described, in a single prior art reference. (Emphasis added, Verdegaal Bros., 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Also, in order to establish a prima facie case of obviousness under §103, the Examiner has the burden of showing, by reasoning or evidence, that: 1) there is some suggestion or motivation, either in the references

themselves or in the knowledge available in the art, to modify that reference's teachings; 2) there is a reasonable expectation on the part of one of ordinary skill in the art that the modification or combination has a reasonable expectation of success; and 3) the prior art references (or references when combined) teach or suggest all the claim limitations. (Emphasis added, MPEP §2145). This is not the case here.

Applicants' independent claims 42, 50, 57, 60, 69, and 70 recite an enclosed gap or completely sealed gap is formed between the first tube and second tube when the water treatment cartridge is sealingly engaged to a water treatment device. The Examiner asserts that groove 51 of Guichaoua et al. teaches Applicants' enclosed gap. However, Guichaoua et al. teach that groove 51 "communicating with the emptying orifice 7 of the tank 1. (Col. 4, lines 62-63; Fig. 1). In sharp contrast, Applicants' gap is enclosed or completely sealed. Thus, Applicants respectfully submit that Guichaoua et al. do not teach or suggest Applicants' enclosed gap as recited in the claims.

Moreover, Gundrum et al., Reid et al., or Reid teach or suggest, singularly or in combination with Guichaoua et al., an enclosed gap or completely sealed gap as recited in Applicants' independent claims. Therefore, Applicants respectfully request the rejections under 35 U.S.C. 102 and 103 of independent claims 42, 50, 57, 60, 69, and 70 be withdrawn. As claims 43-49, 51-56, 58-59, 62-68, and 71-73 depend from independent claims 42, 50, 57, 60, 69, or 70, Applicants respectfully request the rejection of these claims under 35 U.S.C. 102 and 103 be withdrawn as well.

Serial No. 10/665,948
Response date January 23, 2007
Reply to Office Action of October 2, 2006

CONCLUSION

Applicants respectfully submit that the present application is in condition for allowance. The Examiner is encouraged to contact the undersigned to resolve efficiently any formal matters or to discuss any aspects of the application or of this response. Otherwise, early notification of allowable subject matter is respectfully solicited.

Respectfully submitted,
DINSMORE & SHOHL

By /Paul M. Ulrich/
Paul M. Ulrich
Registration No. 46,404

One Dayton Centre
One South Main Street, Suite 1300
Dayton, Ohio 45402
Telephone: (937) 449-6400
Facsimile: (937) 449-6405